Single Bench

P.R. No. 4278/06
Presented by Shri Sanjeet K Sahu
dated 4/8/06

(3) (5)

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION NO. 4212/2006

PETITIONER

Mahendra Kumar Rathore,
Aged about 40 years,
S/o.Shri N.R.Rathore,
R/o. Chandaniyapara, Janjgir.
Working as Assistant Teacher in Government Primary School, Khoksa, Nawagarh, Janjgir, District Janjgir-Champa (C.G.).

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
School Education Department,
D.K.S. Bhawan, Raipur (C.G.).

2. The District Education Officer,
District Janjgir-Champa (C.G.).

3. The Principal,
Government Primary School,
Khoksa, Nawagarh, Janjgir,
District Janjgir-Champa (C.G.)

4. The Collector,
District Janjgir- Champa (C.G.)

OATH COMMISSIONER APARNA MADIYA C.G. 64/08/06 BILASPUR (C.G.)

RL ...COPY 4/8/06 CLE... A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT/WRITS,ORDER/ORDERS,DIRECTION/DIRECTIONS IN NATURE OF WRITS OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE NATURE ETC.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 4212/06 **सन् 200**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

17.8.2006

Shri Kishore Bhaduri, Advocate for the petitioner.

Shri Satish Gupta, Dy. Govt. Adv. for the State on advance copy.

Heard.

The only grievance raised by the petitioner in this petition is that as per Rationalization Scheme, 2006 in case of surplus teachers in any school, then only the junior most teachers are to be included in the surplus list and to be transferred as per scheme. Whereas, in the present case, there are many junior teachers to the petitioner, but their names have not been included in the list and the name of the petitioner has been included in contravention of the scheme.

Against this irregularity & illegality committed by the respondents, the petitioner has the remedy to file an appeal before the appellate authority as per clause-7 of the rationalization scheme and the appellate authority is bound to consider the grievance of the petitioner, if the same is found correct according to the scheme, and to correct the same.

Since the petitioner has equally efficacious alternative remedy available, therefore, he should prefer an appeal before the appellate authority and the authority to consider the points raised by the petitioner.

The time taken by the petitioner in filing this petition till its disposal shall be condoned in preferring the appeal before the appellate authority.

With the direction aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.3269/06 also stands disposed of.

Certified copy as per rules.

Sd/-
L.C.Bhadoo
Judge

17/8/06